

# **EXHIBIT 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|   |   |
|---|---|
|   | §                                       |
| <b>NATHALY CORTEZ, individually and on behalf of similarly situated individuals</b> | §                                       |
|   | §                                       |
|   | §                                       |
| <b>Plaintiff</b>  | §                                       |
|   | §                                       |
|   | §                                       |
| <b>v.</b>   | § <b>CIVIL ACTION NO. 4:21-cv-03991</b> |
|   | §                                       |
|   | §                                       |
| <b>CASA DO BRASIL, LLC</b>  | §                                       |
|   | §                                       |
|   | §                                       |
| <b>Defendant</b>  | §                                       |
|   | §                                       |
|   | §                                       |

**DECLARATION OF MARIO CANDIANI**

Mario Candiani declares as follows:

1. "My name is Mario Candiani. The facts contained in this Declaration are within my personal knowledge and are true and correct. I am fully qualified to make this Declaration.
2. I am a former employee of Casa do Brasil, LLC ("Casa" or "Defendant"). I worked for Casa do Brasil from 2020 as a server until the summer of 2022.
3. Since I'm a server, I would get tips. Casa paid me an hourly rate of less than \$7.25 an hour plus tips. I had no control over how much I would get paid. Even though I asked management many times, Casa was never transparent on how I would get paid.
4. While I was employed by Defendant, Jarbas Gottardo was the general manager at Casa do Brasil. Jarbas did not work on Sundays. Jarbas did not close at night.
5. If there was a mistake that cost the restaurant money, such as a customer walking out without paying, mis-order, ordering too many meals by accident, Casa would take money from our tip pool to pay for the mistakes. At the beginning, it happened to me 2 times on my shift. I was so mad at it. One was \$30-70 the other I forgot. I remember because it infuriated me, I was ready

to quit and but I didn't, I needed the job. If someone didn't pay and Jarbas found out about it, he would order that it be taken from the box of our pooled cash tips. Mistakes happens all the time. As tipped employees, we would help each other fix the mistakes by getting another customer to order the extra meal or transferring the misorder to another table so a different customer would pay for it. If we didn't fix the mistake by the end of the shift, we knew Casa would take money from our cash box to pay for the mistake.

6. There were 1-2 CSR's while I worked there, Ali and Cameron. Ali became assistant manager about a month before I left.

7. When Ali and Cameron were CSRs, I saw them supervise the dining room. The dining room was divided into sections 1-4. Then there was a bar section, a patio section and a "Cigar patio" section for customers who wanted to smoke cigars. The CSR tells the servers, bartenders, and Gaucho who worked on the floor, and if anything needed to be done. The CSRs told me which section to work. It was normal thing.

8. CSRs had different job duties than bartenders, servers, and gaucho. Additional duties included, doing inventory and Cameron was a CSR who did the schedule. If I needed to train, the CSR would train me. If a Tipped employee needed someone to comp or discount, transfer or move a table or item, we would have to go through the CSR. If a customer wanted to return an item or changed his/her mind, we would have to ask a CSR permission because only they had the manager code to change the order.

9. The CSRs regularly supervised 2 or more employees because they supervised the servers, bartenders, and Gaucho.

10. The CSR could discipline us if we didn't follow their instruction or Casa's policies.

11. Casa required us to pool our credit card and cash tips and participate in a tip pool. At the end of the night, everyone that worked in the shift would get an equal share of the cash tips. I saw that the CSR was part of the tip pool and received cash tips. Since the cash tips were from all customers that gave a tip during the shift, the CSR received tips from customers that they did not serve or customers that they solely served. Serving customers was a team effort and no customer was served by 1 person alone.

12. I think managers and CSRs edited my time.

13. Casa told me to clock out at even time like 8 or 10 but I was not getting paid for all the time I worked. I started clocking out at odd number to see if they changed it. I need to get copies of my clock in and clock out time to see if they changed my time. While I worked there, I had a feeling that they were changing and reducing my work time often.

14. While I worked there, Casa did not have any posters or signs up about how we would be paid minimum wage or tips.

15. I declare under penalty of perjury that the foregoing is true and correct.

20

September

Executed in Brazos County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

*Mario Arturo Candiani*

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Mario Candiani